

June 18, 2018

RESOLUTION duly moved by Folger and seconded by Forrestel to go into an executive session regarding personnel matters at 6:50 pm be and hereby is approved.

|         |                     |       |
|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Folger and seconded by Forrestel to come out of the executive session regarding personnel matters at 7:37 pm be and hereby is approved.

|         |                     |       |
|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

A REGULAR MEETING of the Akron Village Board was held on this date at 7:40 p.m. Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, Michael R. Middaugh; Brian T. Perry; Darrin L. Folger; Village Attorney Andrew Borden, Treasurer Tammy Kelley, Clerk Jayne DeTine and Public Works Manager Jon Cummings.

The Mayor led us in the pledge to the flag.

RESOLUTION duly moved by Folger and seconded by Perry that the Minutes of the Regular Meeting of June 4, 2018 be and hereby are approved by the Village Board.

|         |                     |       |
|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION, duly moved by Forrestel seconded by Folger that the audit of the bills is approved, and the Treasurer authorized to pay same in accordance with the following abstract of audit vouchers:

|                 |    |            |
|-----------------|----|------------|
| General Fund    | \$ | 33,988.58  |
| Electric Fund   | \$ | 120,574.93 |
| Water Fund      | \$ | 12,328.21  |
| Sewer Fund      | \$ | 9,964.69   |
| Capital Water   | \$ | 4,697.08   |
| Capital Project | \$ | 3,248.95   |

|         |                     |       |
|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Middaugh and seconded by Perry that the following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

|               |                     |         |         |
|---------------|---------------------|---------|---------|
| Chad Cummings | 240 East Avenue     | Fence   | \$50.00 |
| Dean Moore    | 82 Bloomingdale Ave | Windows | \$50.00 |

|                    |                   |                     |          |
|--------------------|-------------------|---------------------|----------|
| Roger Brewer       | 77 John Street    | Garage repair       | \$260.00 |
| Judy Roesch        | 237 East Avenue   | Fence               | \$50.00  |
| Brian Gates        | 53 Buell Street   | Roof                | \$50.00  |
| Karen Scheitheir   | 12 Buell Street   | Roof                | \$50.00  |
| Gerald Summe       | 99 Main Street    | Roof                | \$50.00  |
| Dennis Smith       | 12 Clinton Street | Enclosure/hot tub   | \$60.00  |
| Cold Spring Const. | 3 Jackson Street  | Restore block walls | \$500.00 |

ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
BRIAN T. PERRY - AYE  
DARRIN L. FOLGER - AYE

RESOLUTION duly moved by Middaugh and seconded by Forrestel that the following Application for a Dumpster Permit be and hereby is approved in accordance with the application filed and payment of permit fee:

|                    |                  |        |         |
|--------------------|------------------|--------|---------|
| Cold Spring Const. | 3 Jackson Street | 30 Day | \$50.00 |
|--------------------|------------------|--------|---------|

ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
BRIAN T. PERRY - AYE  
DARRIN L. FOLGER - AYE

PUBLIC HEARING – none

APPEARANCE – none

PUBLIC COMMENT – none

PROJECT REPORTS –

CDBG Year 2017 Project/Marshall Street, Morgan Street, Cedar Street Waterline Loop – Public Works Manager Jon Cummings reported that the portion of the waterline on Morgan Street has been installed and will be pressure tested this week.

Route 93 Bridge Project – Reminder that on June 25, 2018 the bridge will be closed for use until the beginning of September 2018.

MONTHLY REPORTS –

Departments –

AKRON FIRE COMPANY – absent

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Folger –met with the Celebration Committee June 14, 2018 regarding the plans for July 4<sup>th</sup> celebration.

Trustee Forrestel – reported that the Treasurer Report and Finance Committee has been postponed awaiting final information for the fiscal year end. Will attend a Joint Facility Committee meeting tomorrow morning.

Mayor Patterson – reported: asked everyone to keep Akron Fire Chief Joshua Haist and his family in their thoughts and prayers after the tragic loss of his father. Also followed up with Joint Facility Manager Jon Cummings on the letter of complaint regarding issues on Mill Street. Mr. Cummings responded that patch work has been complete along with repair of a DI, repair of the street light and clean-up at the substation property located on Mill Street.

Trustee Middaugh – nothing to report

Trustee Perry – nothing to report

### OLD BUSINESS

Clinton Street/Eckerson Avenue Village Land – Attorney Borden reported that a meeting will be set-up with the UB Architecture Department in August/September in regards to the proposed fall semester course of the study and design for Clinton Street/Eckerson Avenue Village Land including the Public Works Facility at 43 East Avenue.

Public Works Facility at 43 East Avenue – same as Clinton Street/Eckerson Avenue Village Land.

Cable Contract – nothing

Corrective Action Plan –quarterly review completed this evening. Next review will be in September 2018.

State Street Bridge – waiting for the result of the grant application.

Sewer RBC Replace or Rebuild – nothing new.

Comprehensive Plan – Joint Public hearing scheduled for June 27, 2018 later changed to July 11, 2018 at 7 pm here at the Village Hall.

RESOLUTION duly moved by Forrestel and seconded by Folger to hold a Public Hearing on June 27, 2018 at 7 pm at the Village Hall in reference to the Joint Comprehensive Plan be and hereby is approved.

|         |                    |       |
|---------|--------------------|-------|
| ADOPTED | CARL E. PATTERSON  | - AYE |
|         | E. PETER FORRESTEL | - AYE |
|         | MICHAEL R. MIDDAGH | - AYE |
|         | BRIAN T. PERRY     | - AYE |
|         | DARRIN L. FOLGER   | - AYE |

RESOLUTION duly moved by Forrestel and seconded by Folger to amend the date of the Joint Public Hearing from June 27, 2018 to July 11, 2018 at 7 pm at the Village Hall in reference to the Joint Comprehensive Plan be and hereby is approved.

|         |                    |       |
|---------|--------------------|-------|
| ADOPTED | CARL E. PATTERSON  | - AYE |
|         | E. PETER FORRESTEL | - AYE |
|         | MICHAEL R. MIDDAGH | - AYE |
|         | BRIAN T. PERRY     | - AYE |
|         | DARRIN L. FOLGER   | - AYE |

GIS – Nothing new to report.

### NEW BUSINESS

RESOLUTION duly moved by Perry and seconded by Middaugh to approve the following re-bonding of the 1998 Water Distribution System Serial Bonds:

REFUNDING BOND RESOLUTION OF THE VILLAGE OF AKRON, NEW YORK, ADOPTED JUNE 18, 2018, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF SAID VILLAGE, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$740,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$740,000 REFUNDING BONDS OF SAID VILLAGE, OR SO MUCH THEREOF AS MAY BE NECESSARY TO FINANCE

SAID APPROPRIATION, AND MAKING CERTAIN OTHER  
DETERMINATIONS ALL RELATIVE THERETO

Recitals

WHEREAS, the Village of Akron, in the County of Erie, New York (herein called the "Village"), has issued its \$1,440,000 Water Distribution System Serial Bonds-1998 (the "USDA Bond"), which bond was sold to the United States of America, acting through the Rural Utilities Service, United States Department of Agriculture ("USDA"); and

WHEREAS, the USDA Bond matures in annual installments on August 18 in each year in the principal amounts set forth in Schedule I attached hereto and made a part hereof, and bears interest at the rate of 4.50% per annum, payable on August 18, 1998, and semiannually thereafter on February 18 and August 18 in each year to maturity; and

WHEREAS, the USDA Bond is sometimes referred to herein as the "Refunded Bond" or the "Refunded Bonds;" and

WHEREAS, Section 90.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), permits the Village to refund all or a portion of the outstanding unredeemed maturities of such bond by the issuance of a new bond or bonds;

NOW, THEREFORE,

THE BOARD OF TRUSTEES OF THE VILLAGE OF AKRON, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the Water Distribution System Serial Bonds-1998 of the Village.
- b. "Redemption Date" means the date on which the Refunded Bond shall be redeemed with the proceeds of sale of the Refunding Bonds.
- c. "Refunding Bond" or "Refunding Bonds" means all or a portion of the Water Distribution System Serial Bonds-1998 of the Village of Akron, authorized pursuant to Section 2 hereof.
- d. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds which does not exceed the outstanding principal amount of the Bond To Be Refunded plus the aggregate amount of unmatured interest payable on such Bond To Be Refunded to and including the applicable Redemption Date, plus costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan.

Section 2. The Board of Trustees of the Village (herein called the "Board of Trustees"), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$740,000 to accomplish such refunding. The plan of financing includes the issuance of not to exceed \$740,000 Refunding Bonds to finance said appropriation, and the levy and collection of a tax upon all the taxable real property within the Village to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the Village in the maximum principal amount of \$740,000 and designated "Refunding Serial Bonds -2018," or a similar designation, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") hereby accepted and approved by the Village, includes the payment of all costs incurred by the Village in connection with said refunding from such proceeds and payment of (a) the principal of and interest on the Bond To Be Refunded becoming due and payable on and prior to the Redemption Date and (b) the principal of and

premium, if any, on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof consist of the unmatured, unpaid outstanding balance of the bond originally issued pursuant to the bonds resolution of the Village duly adopted on September 19, 1994, authorizing the issuance of serial bonds of the Village to finance the construction of various improvements to the Village water system. The Refunding Bonds authorized in the principal amount of not to exceed \$740,000 shall mature in amounts and at dates to be determined. The Village Treasurer, as the chief fiscal officer of the Village, is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The principal amount of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") permitted by law at the time of issuance of the original bonds or bond anticipation notes issued, for the object or purpose financed with the proceeds of the Bond To Be Refunded, is forty years, commencing on November 23, 1994, the date of issuance of the original bonds or bond anticipation notes issued in anticipation of the sale of said bonds.

Section 5. The amount of estimated present value savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A. Said refunding financial plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount, and will mature, be of such terms, and bear such interest as set forth therein. The Board of Trustees recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions, if any, for redemption thereof prior to maturity, and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the refunding financial plan may vary from that attached hereto as Exhibit A.

Section 6. The Village Treasurer, as the chief fiscal officer of the Village, is hereby authorized to sell the Refunding Bonds. The Village Treasurer is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Village in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Village payable as to both principal and interest by a general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Refunding Bonds and provision shall be made annually in the budget of the Village for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00 to 60.00, 90.00, and 168.00 of the Law, the powers and duties of the Board of Trustees relative to prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and as to executing any arbitrage certificate and all other certificates or agreements relative thereto, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 9. The validity of the Refunding Bonds authorized by this resolution may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 10. All or a portion of the proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bond To Be Refunded shall have a lien upon such moneys. Any interest earned from the investment of such moneys not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion thereof as shall be required by the refunding financial plan, and the holders of the Refunding Bonds shall have a lien upon such moneys. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and such moneys shall immediately be subject thereto without any further act. Such pledge and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 11. In accordance with the provisions of the Law and the final refunding financial plan approved by the Village Treasurer pursuant to Section 3 hereof, the Board of Trustees hereby elects to redeem the Bond To Be Refunded pursuant to the terms of the Bond to be Refunded, in accordance with applicable agreements with the United States of America, Department of Agriculture (Rural Development), on or about the date of issuance of the Refunding Bonds. The sum to be paid therefor shall be the par value thereof, plus the interest accrued thereon to the Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bond To Be Refunded shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds.

Section 12. This bond resolution shall take effect immediately and the Village Clerk is hereby authorized and directed to publish a summary of the bond resolution, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law, in the "*Akron Bugle*," a newspaper having a general circulation in the Village and hereby designated the official newspaper of the Village for such publication. Such summary of the bond resolution and statutory notice shall be in substantially the form appearing in Exhibit "B" attached hereto and hereby made a part hereof be and hereby is approved.

|         |                     |       |
|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Forrestel and seconded by Folger to accept the agreement with the Northern Erie Sno-Seekers for the 2018-2019 winter season providing the proper paperwork is provided to the Village Office.

WHEREAS, the Village of Akron has received a request from the Northern Erie Sno-Seekers, Inc., to use a portion of the Bike Path in the Village of Akron for snowmobile use;

WHEREAS, the Northern Erie Sno-Seekers, Inc., contacted the Village Board on June 18, 2018 to renew their permission to use a portion of the Bike Path in the Village of Akron for snowmobile use;

NOW, THEREFORE, A RESOLUTION, duly moved by Forrestel, seconded by Folger, based on information submitted by the Northern Erie Sno-Seekers, Inc., and upon the Village's review, the Village Board authorizes the Northern Erie Sno-Seekers, Inc., to use the Bike Path within the Village of Akron from December 19, 2018 through April 1, 2019, subject to random enforcement of speed, unreasonable noise and DWI, be and hereby is approved by the Village Board, subject to the following:

1. That the Village Board does hereby authorize the Northern Erie Sno-Seekers, Inc., to use the Bike Path beginning at Cedar Street and running southwest to Clarence Center Road, along a route that shall be specifically marked out by the Northern Erie Sno-Seekers, Inc., and approved by the Village of Akron Superintendent of Public Works,

a. The Northern Erie Sno-Seekers must provide the Village with proof of liability coverage naming the Village of Akron as additional insured in an amount satisfactory to the Village. If such coverage is part of blanket coverage for all snowmobile clubs throughout the State of New York, the Village of Akron must be specifically named as an additional insured on such policy.

b. The Northern Erie Sno-Seekers must provide the Village with an updated copy of its certificate of incorporation and by-laws and of its rules and regulations for operation of snowmobiles on trails maintained by them.

c. The Northern Erie Sno-seekers will provide to the Village an indemnification agreement holding the Village harmless and defending the Village from all property damages and personal injuries occasioned by the activities of the Northern Erie Sno-Seekers, their members, agents, invitees or employees on any Village lands during the term of the agreement to use the Bike Path.

d. The use of the right-of-way shall begin on the last day of deer hunting season and shall terminate on April 1, 2019.

e. The Northern Erie Sno-Seekers, Inc. must cooperate with the Village to clearly mark the trail, which trail shall be located off the paved portions of the Bike Path and post speed limits and rules and regulations governing the use of the trails, satisfactory to the Village.

f. The Northern Erie Sno-Seekers, Inc., shall use the Bike Path in a manner that allows for the use of the same facilities by others including hikers and cross-country skiers.

g. The Northern Erie Sno-Seekers, Inc. shall use their best efforts to avoid damage to Village Property, injury to individuals, or excessive noise.

h. Failure to abide by all these conditions may result in the Village Board's withdrawal or rescinding of the consent of the Village to use the Bike Path.

2. This resolution shall take effect immediately.

|         |                     |      |
|---------|---------------------|------|
| ADOPTED | CARL E. PATTERSON   | -AYE |
|         | E. PETER FORRESTEL  | -AYE |
|         | MICHAEL R. MIDDAUGH | -AYE |
|         | BRIAN T. PERRY      | -AYE |
|         | DARRIN L. FOLGER    | -AYE |

RESOLUTION duly moved by Middaugh and seconded by Perry to approve the step increase for Michael Capan from Grade 13, Step 2 to Grade 13, Step 3 effective July 8, 2018 as per Public Works Manager Jon Cummings be and hereby is approved.

|         |                     |       |
|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Forrestel and seconded by Middaugh to allow Electrical Foreman Thomas Whitbeck to carry over 63.25 hours of vacation to be used within 90 days be and hereby is approved.

|         |                     |       |
|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Perry and seconded by Forrestel to hold a Public Hearing on July 2, 2018 at 7:30 pm regarding Local Law #3 -2018 – A local law amending Chapter 69 Animals of the code of the Village of Akron be and hereby is approved.

|         |                     |       |
|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

CORRESPONDENCE –

Notice from Charter Communications regarding deleted channels.

June 2018 Assessor's Report.

School Resource Officer Report for May 2018.

PUBLIC COMMENT: none

On motion of Perry and seconded by Folger at 8:08 p.m. this meeting was ADJOURNED

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MAYOR

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CLERK